



Corporate Creations Network Inc.
801 US Highway 1 North Palm Beach, FL 33408

Harbor Freight Tools USA, Inc.
Tammy Stafford Associate General Counsel
Harbor Freight Tools USA Inc
26677 Agoura Road
Calabasas CA 91302

04/27/2022

SERVICE OF PROCESS NOTICE

The following is a courtesy summary of the enclosed document(s). **ALL information should be verified by you.**

Item: 2022-340

Note: Any questions regarding the substance of the matter described below, including the status or how to respond, should be directed to the contact set forth in line 12 below or to the court or government agency where the matter is being heard. **IMPORTANT:** All changes or updates to the SOP contact individuals or their contact information must be submitted in writing to SOPcontact@corpcreations.com. Any changes will become effective upon written confirmation of Corporate Creations.

1.	Entity Served:	Harbor Freight Tools USA, Inc.
2.	Title of Action:	Michael Toney and Katrina Toney vs. Harbor Freight Tools USA, Inc.
3.	Document(s) Served:	Citation for Petition Complaint Request for Written Notice of Any Assignment and Written Notice of Any Order or Judgment Made or, etc. Civil Case Cover Sheet
4.	Court/Agency:	Parish of Calcasieu 14th Judicial District Court
5.	State Served:	Louisiana
6.	Case Number:	2022-1275
7.	Case Type:	Negligence/Personal Injury
8.	Method of Service:	Hand Delivered
9.	Date Received:	Tuesday 04/26/2022
10.	Date to Client:	Wednesday 04/27/2022
11.	# Days When Answer Due: Answer Due Date:	21 Tuesday 05/17/2022 CAUTION: Client is solely responsible for verifying the accuracy of the estimated Answer Due Date. To avoid missing a crucial deadline, we recommend immediately confirming in writing with opposing counsel that the date of the service in their records matches the Date Received.
12.	Sop Sender: (Name, City, State, and Phone Number)	Hoffoss Devall, LLC Lake Charles, LA 337-433-2053
13.	Shipped To Client By:	Email Only with PDF Link
14.	Tracking Number:	
15.	Handled By:	191
16.	Notes:	Please note there are other Due Dates listed in the document

NOTE: This notice and the information above is provided for general informational purposes only and should not be considered a legal opinion. The client and their legal counsel are solely responsible for reviewing the service of process and verifying the accuracy of all information. At Corporate Creations, we take pride in developing systems that effectively manage risk so our clients feel comfortable with the reliability of our service. We always deliver service of process so our clients avoid the risk of a default judgment. As registered agent, our role is to receive and forward service of process. To decrease risk for our clients, it is not our role to determine the merits of whether service of process is valid and effective. It is the role of legal counsel to assess whether service of process is invalid or defective. Registered agent services are provided by Corporate Creations Network Inc.

801 US Highway 1 North Palm Beach, FL 33408 Tel: (561) 694-8107 Fax: (561) 694-1639
www.CorporateCreations.com

EXHIBIT A

MICHAEL TONEY
VS. 2022-001275
HARBOR FREIGHT TOOLS USA INC

Citation for Petition



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: HARBOR FREIGHT TOOLS USA
INC
THROUGH AGENT FOR SERVICE
OF PROCESS: CORPORATE
CREATIONS NETWORK INC
1070 B WEST CAUSEWAY
APPROACH
Mandeville, LA 70471

Parish of Saint Tammany

You are named as defendant in the above captioned matter. Attached to this citation is a:

****COMPLAINT****

You must either comply with the demand contained in the petition or make an appearance either by filing an answer or pleading in the 14th Judicial District Court located at 1001 Lakeshore Dr., Lake Charles, LA within the delay provided in Article 1001 of the Louisiana Code of Civil Procedure under penalty of default.

Article 1001 of the Louisiana Code of Civil Procedure states:

E. A Defendant shall file his answer within **twenty-one (21) days** after service of Citation upon him, except as otherwise provided by law.

If the plaintiff files and serves a Discovery Request with his Petition, the Defendant shall file his answer to the petition within **thirty (30) days** after service of citation and service of discovery request.

F. When an Exception is filed prior to Answer and is overruled or referred to the merits, or is sustained and an Amendment of the Petition ordered, the Answer shall be filed within **fifteen (15) days** after the exception is overruled or referred to the merits, or **fifteen (15) days** after service of the Amended Petition.

C. The Court may grant additional time for answering.

Article 1151 of the Louisiana Code of Civil Procedure provides in pertinent part:

A defendant shall plead in response to an Amended Petition within the time remaining for pleading to the Original Pleading or within **ten (10) days** after service of the Amended Petition, whichever period is longer, unless the time is extended under Article 1001.

THE CLERK OF COURT'S STAFF CANNOT PROVIDE LEGAL ADVICE.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana this 31ST day of MARCH, 2022.

Issued and delivered April 20, 2022.

Byron Wilkinson
Deputy Clerk of Court

Requested by:

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:



C M S 7 9 5 8 8 4 2
Filing Date: 04/20/2022 09:41 AM Page Count: 2
Case Number: 2022-001275
Document Name: 1604 Citation for Petition

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____ 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

SERVICE

MICHAEL TONEY AND KATRINA TONEY : 14TH JUDICIAL DISTRICT COURT
 :
 Plaintiffs :
 VS. NO. 0022-12756 : PARISH OF CALCASIEU
 HARBOR FREIGHT TOOLS USA, INC. :
 Defendant : STATE OF LOUISIANA
 :
 FILED: MAY 2022 : Jemport Nuyett
 : DEPUTY CLERK OF COURT

COMPLAINT

The Petition of **MICHAEL TONEY and KATRINA TONEY**, a married couple of the full age of majority and residing in Beauregard Parish, Louisiana, hereinafter sometimes referred to as Complainants, with respect represent that:

1. Made Defendant herein is **HARBOR FREIGHT TOOLS USA, INC.** (hereinafter “**HARBOR FREIGHT**”) a foreign corporation domiciled in Delaware; doing business in the State of Louisiana; and whose registered principal place of business being in the State of California, which can be served with process by and through its registered agent for service, Corporate Creations Network, Inc, 1070-B West Causeway Approach, Mandeville, Louisiana 70471.
2. Defendant, **HARBOR FREIGHT** is liable unto complainants, **MICHAEL TONEY** (sometimes hereinafter referred to as “**MR. TONEY**”) and **KATRINA TONEY** (sometimes hereinafter referred to as “**MRS. TONEY**”), for such damages as will fully and fairly compensate Complainants, which damages exceed those for Federal Jurisdiction, together with legal interest thereon from date of judicial demand until paid, together with all costs of these proceedings, for the following reasons, to wit:
3. Venue is proper in the 14th Judicial District Court, Parish of Calcasieu, Louisiana, because complainants are domiciled in Calcasieu Parish; the personal injuries and causes of action

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arose within Calcasieu Parish; and **HARBOR FREIGHT** was regularly engaged in business within Calcasieu Parish.

4. **HARBOR FREIGHT** is now, and was at all times mentioned in this complaint, in the business of designing, manufacturing, constructing, assembling, inspecting, and selling various types of discount tools and equipment, including the Pittsburgh 3 Ton Rapid Pump Floor Jack, which it sold under its own "Pittsburg" brand/label.
5. On March 12, 2021, **MR. TONEY** purchased a Pittsburgh 3-Ton Rapid Floor Jack (UPC 792363566179) from **HARBOR FREIGHT** Store #3186 in Lake Charles, Louisiana (hereinafter the "Subject Jack") for his personal use.
6. On or about April 16, 2021, **MR. TONEY** was performing routine maintenance on his personal vehicle at his home in Beauregard Parish, Louisiana, and was utilizing the Subject Jack (for the first time since he purchased it), when the Subject Jack failed suddenly, causing the weight of his vehicle to fall on him, resulting in severe crushing injuries.
7. The Subject Jack was marketed, promoted, advertised, and sold by **HARBOR FREIGHT**.
8. The Subject Jack was defectively designed for its use which made the product unreasonably dangerous to users, which defective design and/or composition was present when the Subject Jack left **HARBOR FREIGHT**'s control.
9. At the time the Subject Jack left **HARBOR FREIGHT**'s control, **HARBOR FREIGHT** knew, or should have known, of the design characteristic(s) which caused this accident, and that there existed a safer alternative design that was both economically and technologically feasible. The benefit of the safer alternative design would not decrease the utility of the product in any significant regard that would warrant its exclusion.
10. At the time of the accident, the Subject Jack was in substantially the same condition as it was at the time it was placed into the stream of commerce.
11. At the time the Subject Jack was sold by **HARBOR FREIGHT**, it was defective in design and/or composition all of which rendered it unreasonably dangerous with respect to its susceptibility to fail, which defective and unreasonably dangerous condition was a cause of this accident and the injuries sustained by Complainants.

12. Defendant knew or should have known that the Subject Jack was unreasonably dangerous due to its susceptibility to fail, yet continued to market and sell this product to consumers and then failed to recall the same, all of which was a cause of this accident and of the injuries sustained by Complainants.
13. At the time the Subject Jack was marketed and sold by Defendant, the Subject Jack was defective in design and unreasonably dangerous with respect to its failure to perform as designed, which defective and unreasonably dangerous condition was a cause of this accident and the injuries sustained by Complainants.
14. This defect in construction and composition of the Subject Jack existed when the product left the control of Defendant and deviated from other identical products.
15. As a result of the defective and unreasonably dangerous condition of the Subject Jack, defendant, in selling the Subject Jack in such condition, breached express warranties, which breach of express warranties being a cause of this accident and the injuries sustained by Complainants.
16. Both prior to and subsequent to the sale of the Subject Jack, defendant manufactured, distributed, and sold the Subject Jack with defective and inadequate warnings. These defects in warning existed at the time the Subject Jack left the control of Defendant.
17. The likelihood and gravity of danger associated with the Subject Jack and the feasibility of adding the proper warning far outweighed the ability of the user to anticipate the risk.
18. Defendant breached its continuing duty to warn of the defective nature of its product after the Subject Jack left its control.
19. The defective and inadequate warnings were a cause of this accident and the injuries sustained by Complainants. Further, the wrongful and negligent conduct of the defendant as described above was a substantial factor in the injuries and damages of the Complainants.
20. The burden to Defendant to do what was right and act in a way that was not negligent was insignificant compared to the probability of injury that would result. Such negligence includes, but is not limited to, the following acts of omission and commission:

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- a. Designing and selling the Subject Jack with a propensity to suddenly and without warning collapse/fail;
- b. Failing to properly and adequately test to determine the Subject Jack's susceptibility to suddenly and without warning collapse/fail;
- c. Failing to adequately and properly test the Subject Jack, its component parts and failing to act with reasonable care to protect users of the product after gaining actual knowledge of other incidents involving the same and/or similarly designed and/or constructed jack collapsing with fatal and tragic consequences for the users; and
- d. Failing to adequately and properly test the Subject Jack and its component parts and failing to act with reasonable care to warn users of defects including the propensity of the jack to fail.

21. Defendant, **HARBOR FREIGHT**, committed acts of omission and commission, which collectively and severally, render defendant liable under the terms of the Louisiana Products Liability Act and/or which constitute negligence or fault, all of which was a cause, or substantial factor in causing, the accident in question and injuries to Complainants.

22. As a result of the accident, **MR. TONEY** has sustained damages including, but not limited to the following:

- a. Past present and future pain and suffering, mental anguish and suffering;
- b. Past present and future medical and other expenses;
- c. Lost wages, profits, and earnings;
- d. Future loss of earning capacity and profits;
- e. Permanent disfigurement, disability, and/or scarring;
- f. Loss of enjoyment and quality of life; and,
- g. Other damages that may be proven at the trial of this matter.

23. **MRS. TONEY** came upon the accident scene soon after **MR. TONEY** was crushed by his vehicle, which caused severe emotional distress.

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24. It is reasonably expected that Ms. Toney would suffer serious mental anguish from the experience of seeing her husband crushed by a car resulting from the failure of the Subject Jack.

25. **MRS. TONEY** is, therefore, entitled to general damages under the theory of negligent infliction of emotional distress.

WHEREFORE, PETITIONERS, MICHAEL TONEY and KATRINA TONEY, PRAY THAT:

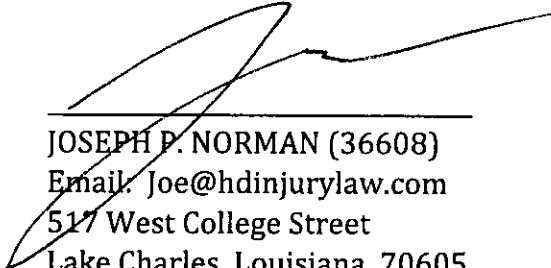
I. Defendant, **HARBOR FREIGHT TOOLS USA, INC.**, be served with and cited to answer this Complaint;

II. After lapse of all delays and due proceedings had there be judgment in favor of Complainants, **MICHAEL TONEY and KATRINA TONEY**, and against defendant, **HARBOR FREIGHT TOOLS USA, INC.**, for such damages as will fully and fairly compensate Complainants, together with legal interest thereon from date of judicial demand until paid, and for all costs of these proceedings;

III. Complainants further pray for all orders and decrees necessary in the premises, and for full, just and equitable relief.

Respectfully submitted:

HOFFOSS DEVAL, LLC



JOSEPH P. NORMAN (36608)
Email: Joe@hdinjurylaw.com
517 West College Street
Lake Charles, Louisiana 70605
Telephone: (337) 433-2053
Facsimile: (337) 433-2055
ATTORNEY FOR PETITIONER

PLEASE SERVE:

HARBOR FREIGHT TOOLS USA, INC
through its registered agent for service of process,
Corporate Creations Network, Inc
1070-B West Causeway Approach
Mandeville, LA 70471

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PLEASE SERVE:

HARBOR FREIGHT TOOLS USA, INC

through its registered agent for service of process,

Corporate Creations Network, Inc

1070-B West Causeway Approach

Mandeville, LA 70471

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MICHAEL TONEY AND KATRINA TONEY : 14TH JUDICIAL DISTRICT COURT

VS. NO. 2022-1275 E : PARISH OF CALCASIEU

HARBOR FREIGHT TOOLS USA, INC : STATE OF LOUISIANA

FILED: 2022 : Joseph Wyatt
DEPUTY CLERK OF COURT

**REQUEST FOR WRITTEN NOTICE OF ANY ASSIGNMENT AND
WRITTEN NOTICE OF ANY ORDER OR JUDGMENT
MADE OR RENDERED**

In accordance with the provisions of Articles 1571 and 1572 of the Louisiana Code of Civil Procedure, you are hereby requested to send to us, as counsel of record for Petitioners, **MICHAEL TONEY and KATRINA TONEY**, written notice by mail, at least ten (10) days in advance of any date fixed for any trial or hearing on this case, whether on exception, rules, or on the merits thereof, or any assignment of fixing of said case.

And in accordance with the provisions of Articles 1913 and 1914 of the Louisiana Code of Civil Procedure, you are hereby also requested to send to us immediately notice of any order or judgment made or rendered in this case, upon the entry of such order or judgment. This request for notice is made with full reservation of all rights, and we thank you for your customary courtesy and cooperation.

Respectfully submitted:

HOFFOSS DEVALL, LLC

s/ J. Lee Hoffoss, Jr.

CLAUDE P. DEVALL (29148)

Email: tclaud@hdinjurylaw.com

J. LEE HOFFOSS, JR. (29254)

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COUNSEL FOR COMPLAINANTS, MICHAEL AND
KATRINA TONEY

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LOUISIANA CIVIL CASE REPORTING
Civil Case Cover Sheet - LA. R.S. 13:4688 and
Part G, §13, Louisiana Supreme Court General Administrative Rules

This civil case cover sheet shall be completed by counsel for the petitioner, counsel's authorized representative, or by the self-represented litigant (if not represented by counsel) and submitted with the original petition filed with the court. The information should be the best available at the time of filing. This information does not constitute a discovery request, response or supplementation, and is not admissible at trial.

Suit Caption:

MICHAEL TONEY and KATRINA TONEY
 vs.
 HARBOR FREIGHT TOOLS USA, INC

Court: 14TH JDCDocket Number: 2022-10756Parish of Filing: CALCASIEUFiling Date: MAY 10, 2022Name of Lead Petitioner's Attorney: Joseph P. Norman

Name of Self-Represented Litigant: _____

Number of named petitioners: 2Number of named defendants: 1

Type of Lawsuit: Please check the categories which most appropriately apply to this suit (no more than 3 categories should be checked):

<input type="checkbox"/> Auto: Personal Injury	<input type="checkbox"/> Auto: Property Damage
<input type="checkbox"/> Auto: Wrongful Death	<input type="checkbox"/> Auto: Uninsured Motorist
<input type="checkbox"/> Asbestos: Property Damage	<input type="checkbox"/> Asbestos: Personal Injury/Death
<input checked="" type="checkbox"/> Product Liability	<input type="checkbox"/> Premise Liability
<input type="checkbox"/> Intentional Bodily Injury <u>LED</u>	<input type="checkbox"/> Intentional Property Damage
<input type="checkbox"/> Intentional Wrongful Death	<input type="checkbox"/> Unfair Business Practice
<input type="checkbox"/> Business Tort	<input type="checkbox"/> Fraud
<input type="checkbox"/> Defamation	<input type="checkbox"/> Professional Negligence
<input type="checkbox"/> Environmental Tort	<input type="checkbox"/> Medical Malpractice
<input type="checkbox"/> Intellectual Property	<input type="checkbox"/> Toxic Tort
<input type="checkbox"/> Legal Malpractice	<input type="checkbox"/> Other Tort (describe below)
<input type="checkbox"/> Other Professional Malpractice	<input type="checkbox"/> Redhibition
<input type="checkbox"/> Maritime	<input type="checkbox"/> Class action (nature of case)
<input type="checkbox"/> Wrongful Death	
<input type="checkbox"/> General Negligence	

Please briefly describe the nature of the litigation in one sentence of additional detail:

Product Liability

Following the completion of this form by counsel, counsel's representative, or by the self-represented litigant, this document will be submitted to the Office of the Judicial Administrator, Supreme Court of Louisiana, by the Clerk of Court.

Name, address and contact information of person completing form:

Name Laura Novak Signature _____

Address 517 West College Street, Lake Charles, Louisiana 70605

Phone number: 337-433-2053 E-mail address: Laura@hadinjurylaw.com

APR 26 2022